

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HECTOR & EUGENIA GAMBOA,

Plaintiffs,

v.

CENTRIFUGAL CASTING MACHINE CO.,

Defendant.

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CIVIL ACTION H-14-1273

MEMORANDUM OPINION & ORDER

Pending before this court are several motions: 1) defendant's repleading of its motion for leave to designate responsible third parties and request for spoliation of evidence sanctions against the responsible third parties (Dkt. 16); 2) plaintiffs' motion for extension of expert deadlines (Dkt. 18); 3) defendant's motion for summary judgment (Dkt. 24); 4) plaintiffs' unopposed motion to extend deadlines (Dkt. 25) relating to motion for summary judgment responses; 5) plaintiffs' motion for continuance of the submission date (Dkt. 27) for the defendant's motion for summary judgment; 6) plaintiffs' motion for protective order (Dkt. 30); and 7) defendant's motion for leave to file excess pages (Dkt. 33) in its reply to the motion for summary judgment.

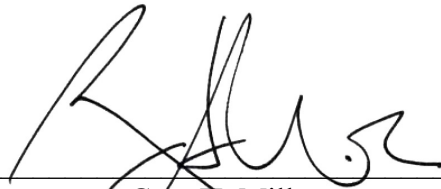
Defendant's repleading of its motion for leave to designate Bearings Plus, Inc. and Waukesha Bearings Corporation as responsible third parties is unopposed, and is therefore GRANTED. Defendant's request for spoliation of evidence sanctions against the responsible third parties is DENIED WITHOUT PREJUDICE until more evidence has been developed, or in the case of the jury instruction request, until the court considers jury instructions as a whole. Plaintiffs' motion for extension of expert deadlines is GRANTED.

As to defendant's motion for summary judgment, plaintiffs concede that they have no evidence to support their manufacturing defect claim (Dkt. 26 at 5). Therefore, the court GRANTS summary judgment in favor of defendant on the manufacturing defect claim. However, the remainder of defendant's motion for summary judgment is DENIED WITHOUT PREJUDICE, because plaintiff's expert reports have been deemed timely. Further, the court DENIES WITHOUT PREJUDICE the remaining motions as moot (Dkts. 25, 27, 30, 33), because they relate to defendant's motion for summary judgment which has been denied.

The court ORDERS that parties submit a revised docket control order within 20 days.

It is so **ORDERED**.

Signed at Houston, Texas on January 21, 2015.



Gray H. Miller
United States District Judge